

Meeting Minutes September 1, 2005

Town of Los Altos Hills City Council Regular Meeting

Thursday, September 1, 2005 6:00 P.M.
Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Kerr called the City Council Regular Meeting to order at 6:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Dean Warshawsky, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: City Manager Maureen Cassingham, Assistant City Attorney John Bakker, Administrative Services Director Sarah Ragsdale, Planning Director Carl Cahill, Director of Public Works/City Engineer Henry Louie, Parks and Recreation Supervisor Jimmy Forbis and City Clerk Karen Jost

Councilmember Mordo announced that Administrative Services Director Sarah Joiner had recently married. Council congratulated Mrs. Sarah Ragsdale on her nuptials and wished her well.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Appointment to Pathways Committee

Council had before them applications from Les Earnest, Michael Wagner and Susan Welch for appointment to the Pathways Committee. There was one vacancy. Following brief interviews of the applicants, Susan Welch was selected by ballot vote to serve on the Pathways Committee for a term of four years.

Council thanked all of the applicants for their interest in serving on the Committee.

2.2 Appointment of Youth Commissioner

Roger Brunell, Community Relations Committee, introduced the applicants for the Youth Commissioner and Associate Youth Commissioner posts. Brunell explained that the positions fell under the jurisdiction of the Community Relations Committee. Rachael Kellman and Ting Ting Liu had been interviewed by Committee representatives and were being highly recommended for appointment

Applicant Rachael Kellman introduced herself and shared with Council her reasons for seeking appointment to the position of Youth Commissioner. Kellman noted that she

was looking forward to working with the Community Relations Committee on their upcoming projects.

2.3 Appointment of Associate Youth Commissioner

Applicant Ting Ting Liu introduced herself to Council. She shared her current community and school volunteer activities with Council and commented that she was very interested in working with the Community Relations Committee to encourage more youth participation in Town events.

Council thanked Kellman and Liu for their volunteer commitment to the Town.

PASSED BY CONSENSUS OF THE COUNCIL: To appoint Rachael Kellman and Ting Ting Liu to the position of Youth Commissioner and Associate Youth Commissioner respectively.

2.4 Certificates of Appreciation to Nobuko Cleary and Arthur Bernstein, Information and Safety Committee

Council presented Certificates of Appreciation to Nobuko Cleary and Arthur Bernstein for their service to the Community as members of the Information and Safety Committee. The Committee had been sunsetted.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission had not met since the last Council meeting. He added that the City Council Planning Issues Subcommittee had completed their review of the fence ordinance and had forwarded their recommendations to the Planning Commission for review and comments. Cahill advised Council that the City of Palo Alto was performing an additional traffic study for the Mayfield Project and had plans to meet with interested neighbors in October. Cahill concluded his report by noting that the Ad-Hoc General Plan Committee chaired by Councilmember O'Malley had scheduled their initial meeting for next week.

4. CONSENT CALENDAR

Items Removed: 4.5(Kerr) 4.6 (Warshawsky)

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to approve the remainder of the Consent Calendar, specifically:

- 4.1 Approval of Minutes: Regular City Special Meeting August 18, 2005
- 4.2 Review of Disbursements: 08/11/2005 – 08/24/2005 \$67,145.29
- 4.3 Approval of Ordinance No. 439 Establishing Storm Water Pollution Prevention Measures for Land Development Projects

- 4.4 Approval of Request for Extension of the Expiration Date of a Site Development Permit for a New Residence and Pool, Lands of Yanez, 28025 Natoma Road (290-00 ZZ-SD-GD)
- 4.7 Notification of Planning Commission Approval: Lands of Awdisho; A Request for Site Development Permit for a 1,900 square foot Patio, Swimming Pool and Spa; 12234 Tapa Way
- 4.8 Notification of Planning Commission Approval: Lands of Cohen; A Request for a Site Development Permit and a Conditional Development Permit for a 212 square foot Addition and Interior remodel (maximum structure height 30'), Removal of two (2) Heritage Oak Trees to Allow a Required Fire Truck Turnaround and Variances to allow two (2) Undersized Garage parking Spaces 9' 3" x 20' and increase of MDA from 5,700square feet to 6,896 square feet; 13303 Wildcrest Drive
- 4.9 Notification of Fast Track Approval: Lands of Askari and Askarinam, A Request for a Site Development Permit for a 4,997 square foot new Residence (maximum height 27'); 27630 Via Cerro Gordo
- 4.10 Notification of Fast Track Approval: Lands of Mahoney, A Request for a Site Development Permit for a New 5,361 square foot New Residence Where the Maximum Permitted Floor Area is 5,374 square feet (maximum height approximately 24'), 1,683 square foot Basement (floor area exempt) and Replacement of an Existing Pool.
- 4.11 Grant of Open Space Easements; Lands of Goese; 13480 Wildcrest Drive Reso # 86-05
- 4.12 Grant of Sanitary Sewer Easement at Burke Lane : Lands of Blech, Kash and Navasimhan. Reso #82-05, #83-05, #84-05

Items Removed:

- 4.5 Notification of Planning Commission Approval: Lands of Evershine; A Request for a Site Development Permit for an Addition of a 3,634 square foot Utility Building (maximum height 20 feet); a 8,784 square foot Tennis Court (maximum structure height 19' and a Realigned Driveway; 13310 La Paloma

Planning Director Carl Cahill reviewed the Planning Commission's action on the project. He explained that a pathway-in-lieu fee had been paid by the applicant but that there was some question by the Pathways Committee as to who would ultimately install the pathway, the Town or the property owner.

Pathways Committee Chair Ginger Summit offered that the Pathways Committee would review the issue.

Mayor Pro Tem Warshawsky, Pathways Committee Council Liaison, appealed the Planning Commission approval of the site development permit. The appeal would be scheduled for a City Council public hearing.

- 4.6 Notification of Planning Commission Approval: Lands of Hitz; A Request for a Site Development for a 2,278 square foot Agricultural Accessory Building (maximum structure height 20' 6") on a 10.5 acre Property; 26026 Scarff Way

Planning Director Carl Cahill explained that the Planning Commission approval of the site development permit had been appealed by Mayor Pro Tem Warshawsky in writing to the City Clerk. This was to permit the Pathways Committee an opportunity to review the project. The appeal would be scheduled for a City Council public hearing.

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Implementation of Strategic Conservation Goals

Mayor Kerr noted that a presentation by the Environmental Initiatives Committee on the proposed energy efficiency ordinance had been scheduled for the September 15, 2005 City Council meeting.

5.1.2 Bringing Public Education Back to the Hills

Mayor Kerr deferred to Councilmember Jones, Public Education Committee liaison. Jones reported that the Committee was currently collecting data for a packet of informational materials for candidates for the Los Altos School District and Palo Alto Unified School District Boards. This would be discussed as agenda item 9.2. He added that he would like the materials available on the Town's website. Jones reported that a subcommittee of the Standing PEC was working on their presentation to Council that would be scheduled for a meeting in the fall when the Council considers the Bullis Charter School's potential move back to Los Altos Hills. Scheduling of the presentation was "on hold" during the current legal negotiations between the Bullis Charter School and Los Altos School District. The Community hearing could potentially be as late as November. In conclusion, Jones announced that the Bullis Charter School, after completing their first full year of operation, had produced API scores that ranked the school twelfth in elementary schools in the State.

5.2 Underground Project Status Report

Mayor Pro Tem Warshawsky reported that the Undergrounding Subcommittee had scheduled a meeting with representatives from the City of San Jose to discuss their Rule 20A project experiences and to learn from their "best practices".

Director of Public Works Henry Louie added that project plans had been submitted to SBC and PG&E for review and comment.

5.3 Update on General Plan Review

Councilmember O'Malley amplified the Planning Director's earlier report and noted that the Ad-Hoc General Plan Committee planned to review the 2001 Community Survey findings in conjunction with their General Plan review. He noted that this would provide a good basis for the review and understanding of issues.

5.4 Proposed Amendment of Resolution No. 79-05 Establishing Standing Committees which Increases the Membership of the Finance and Investment Committee by adding Two members of the City Council as Voting Members and Related Revisions

City Manager Cassingham introduced this item to Council. At their August 18, 2005 meeting, Council had directed staff to make the revisions to the Standing Committee Resolution pertaining to the Finance and Investment Committee. Specifically, the direction was to increase the FIC membership from eight to nine members and provide for two members of the City Council to serve on the FIC as voting members. Council had before them the draft resolution that included the membership changes and the necessary revisions to the resolution to accommodate the changes.

Following a brief discussion, Council concurred that in consideration of the important issues before the FIC for their review and recommendations, the addition of two Councilmembers as voting members would be beneficial and well serve the Council.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to adopt Resolution No. 87-05 Establishing Standing Committees.

- Appointment of Two Councilmembers to Finance and Investment Committee

Councilmembers Mordo and Jones volunteered to serve on the Finance and Investment Committee.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to appoint Councilmember Mordo and Councilmember Jones to the Finance and Investment Committee.

6. NEW BUSINESS

6.1 Introduction of Ordinance to Adopt the Revised Sewer Use Code

Director of Public Works/City Engineer Henry Louie introduced this item to Council. Council had before them the proposed ordinance. Louie explained that the sewage chapter of the Municipal Code governs the sewer collection and treatment services provided to residents by the Town. Although periodically reviewed and revised, the Code had not been comprehensively reviewed and updated in a number of years. Staff had completed a complete review and was recommending adoption of a revised article of the Sewer Use Code that incorporated revisions to update the technical information, clarify language and reflect current practices and requirements.

Louie noted that the revisions would not impact most customers but would address the collection of sewer connection fees to purchase capacity in the Town's sanitary sewer system. No new fees were being imposed or fees increased by the proposed ordinance.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to waive reading and introduce the Ordinance to adopt the revised sewer use code.

6.2 Proposed PG&E Consultant Expenses to Develop Solar Energy Ordinance

Mayor Kerr explained that the item was a request for funds for a consultant to assist in the development of the energy efficiency ordinance from Peter Evans, Environmental Initiatives Committee Chair. Evans believed the expenditure for services would be less than the proposed \$5,000. The firm being considered had assisted the City of Marin with the development of their energy efficiency ordinance. The scope of services and expertise included: supplementing PG&E consultant's work; the technical knowledge to assistance in assessing the feasibility of the ordinance and the experience in documenting the findings and meeting the California Energy Commission's requirements for approval of the ordinance.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by O'Malley and approved unanimously to approve a not to exceed amount of \$5,000 for consulting services to assist the EIC with the development of the energy efficiency ordinance.

6.3 Request from Santa Clara County Cities Association for Cities to Join High Speed Rail Coalition to Promote HSR Southern Gateway

Mayor Kerr gave a brief overview of the HSR Southern Gateway proposal. Council had before them the Silicon Valley HSR Coalition Guiding Principles, the Coalition sign-up form, sample support letter and resolution of HSR support. He recommended Council join the Silicon Valley High Speed Rail Coalition via the adoption of the resolution in their packet.

Council concurred.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve Resolution 88-05 in support of high speed rail to the Bay Area and membership in the Silicon Valley High Speed Rail Coalition.

6.4 Request from Les Earnest for Revisions to Definitions in Municipal Code of Private Roads and Public Roads

Assistant City Attorney John Bakker introduced this item to Council. He explained that resident Les Earnest in a letter dated July 21, 2005 had requested that the City Council direct the City Attorney to resolve certain inconsistencies that Mr. Earnest saw in the

definitions of the public and private roads in the Subdivision Ordinance and Zoning Code. Subsequently at their August 18, 2005 meeting, Council directed the City Attorney to provide an estimate of the amount of time it would take to evaluate the request from Earnest and prepare an appropriate response. Bakker offered that it would require between eight (8) and ten (10) hours for the evaluation. If appropriate, an amendment to the Municipal Code would be prepared.

Bakker noted that alternatively Council could direct the City Attorney to prepare the appropriate amendments to the Municipal Code when the Town does a comprehensive amendment to the Zoning Code which is usually done after the Town updates its General Plan to ensure that the zoning is consistent with the General Plan.

Following discussion, Council consensus was to address the review after the completion of the General Plan update.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Mayor Pro Tem Warshawsky reported that he was participating in a regional cell phone subcommittee. They were making good progress and were currently reviewing the Joint Powers Authority in San Mateo as a possible template.

Councilmember Mordo reported that the Finance and Investment Committee had met with Administrative Services Director Sarah Ragsdale and requested that she prepare a RFP for financial consulting services to manage the trading of certificates of deposit through a financial institution account. The Committee had also amended and simplified the investment policy for the Town and this would be forwarded to Council for their consideration.

8. STAFF REPORTS

8.1 City Manager

City Manager Maureen Cassingham extended her congratulations and professional wishes for success to Jimmy Forbis as he leaves the employ of the Town to move on in his professional career. Forbis had been hired as a financial management analyst in the County Executive's office by the County of San Mateo. She thanked him for his services with the Town.

Cassingham reviewed with Council the emergency and service contact brochure that had been developed as a special project by Town staff under the direction of Administrative Services Director Sarah Ragsdale. The brochure would be included in the Town Newsletter mailing.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Proposed Appointment Terms for Members of Joint Volunteer Awards Committee – Mayor Pro Tem Warshawsky

Mayor Pro Tem Warshawsky explained that he had initiated this item at the request of Roger Burnell, Chair, Joint Volunteer Awards Committee. By adopting a four year term for members of the committee, the Town would be consistent with the City of Los Altos.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to adopt a term of four years for members of the Joint Volunteer Awards Committee.

9.2 Council Consideration of Request to Public Education Committee to Submit an Informational Package of PEC Developed Materials to Each of the Registered Candidates for the Los Altos School District Board – Councilmember Jones

Councilmember Jones explained that the PEC was seeking Council approval to prepare an informational packet for candidates for the Los Altos School District Board and the Palo Alto Unified School District Board. All candidates would receive the same packet; only materials that had been presented to Council would be included and any questions from candidates would be referred to Committee Chair Duncan MacMillan.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve the request of the PEC to submit an information package of PEC developed materials to candidates for the Los Altos School District Board and the Palo Alto Unified School District Board.

9.3 Discussion of Westwind Barn Year 'Round Riding Program- Councilmember O'Malley

Parks and Recreation Supervisor Jimmy Forbis addressed Council. He explained that he had just received the letter that had been distributed to Council from Nancy Couperus and had only a few minutes to review the letter. He clarified that Parks and Recreation had requested a site for the proposed paddocks from the Friends of Westwind Barn during the January 2004 lease negotiation process. The concurrence from the Friends had been a key element in the Town granting them a ten (10) year lease. Forbis believed that the issues/questions that Couperus had broached in her letter regarding the program had been addressed in the lease and service agreement. The Friends had identified three potential sites for the paddocks that were agreeable to Parks and Recreation. Forbis noted that Parks and Recreation Department would like to select the engineer for the site review and suggested that any inquiries received by the Friends regarding the program be directed to the Department.

Jane Kawasaki, former Parks and Recreation Committee Co-Chair, displayed an aerial of the Westwind Barn site. She provided a brief summary of the paddock site selection history. In January, 2004 during the lease negotiations, the Friends agreed to the

installation of the paddocks and for the Year Round Riding Program to be administered by the Parks and Recreation Supervisor. In April, 2004 the Friends selected a site for the paddocks. At the request of Parks and Recreation, the site had been reviewed by several consultants and it was determined that it was a difficult building site with drainage problems that could potentially be expensive to address. The Friends of Westwind Barn representatives selected a second site for the paddocks near the barn and more towards the top of the property. This site was relatively flat and had few problems. Kawasaki obtained bids from TBI, Turner Construction and Mendez Family operations for the site. In April 2005, the Board of Westwind Barn voted at their meeting to approve the site however the action was never recorded in the meeting minutes. There is now disagreement on whether a vote was taken. Kawasaki explained that because the horses boarded in the Town's program paddocks would be housed there 24/7, it was important that the condition of the paddocks be exemplary. She clarified that boarded horses are only in the paddocks four hours each day and remain in their stalls the rest of the time. Kawasaki added that as defined by the lease, the location of the paddocks must be mutually agreeable to the Town and the Friends. She reviewed the paddock locations with Council and explained that the three sites that had been recently offered by the Friends are acceptable but because of the drainage issue, construction could be costly.

Council discussed the sites. Mayor Kerr suggested that a possible solution might be to build the paddocks on the top site and to build a replacement paddock for the Friends boarded horses. Councilmember O'Malley suggested that Councilmembers visit Westwind to acquaint themselves with sites. He explained the importance of having good drainage in the paddocks for the Year Round Riding Program because this would be their boarding site.

Forbis explained that the grant application approval was based on the top site building proposal and cost estimates. Forbis noted that the cost of building in the newly proposed areas would require an evaluation by an engineer with a familiarity in similar projects. He clarified that park bond funds were required to be used for Parks and Recreation projects and could not be used for a replacement paddock, however, the park bond money could be used on the Year Round Riding Program paddocks and the Town could subsidize the replacement paddocks.

Council consensus was that they supported the Year Round Riding Program.

Parks and Recreation Supervisor Forbis explained that the Town could recapture the cost of the engineering evaluation of the sites from the State if they eventually build on the site.

City Manager Cassingham offered that the Council had already approved the project's budget and it was the responsibility of the staff to manage it accordingly. She suggested that by using Mark Thomas & Co. and Dave Ross with his familiarity and experience at the Barn as the lead consultant, they would benefit from an economy of scale. Cassingham suggested that the scope of the engineering review include; 1) the sites identified in the letter from the Friends; 2) the original paddocks site that the cost estimates were based on; and, 3) the replacement option. Council concurred with her proposal.

10. PRESENTATIONS FROM THE FLOOR

Nancy Couperus, Page Mill Road, addressed the Council on agenda item 9.3. She noted that she was speaking on behalf of the Board of Directors of the Friends of Westwind Barn. Couperus provided a summary of the Board's recent special meeting regarding the development of Los Altos Hills Parks and Recreation horse paddocks that would be used to house horses for the Town's Year Round Riding Program. She provided Council with a letter from the Board that included a schematic of the proposed paddock sites and a list of questions that had arisen about the operation of the program. Couperus explained that the Board would like the Town Engineer to evaluate the three sites which were acceptable to the Board and if they are deemed unsuitable, then the Board was requesting funding of a master design of existing and new proposed paddocks.

Jane Kawasaki, resident and former Parks and Recreation Committee member, commented that she believed that space for the paddocks was not limited but that funding for the project was limited.

Les Earnest, Dianne Drive, commented that Council had appealed item 4.6. He noted that a path had been required and built on the property twenty (20) years ago but an easement had not been granted to the Town. The path had subsequently been removed. Earnest questioned how the project had moved forward without a Pathways Committee recommendation.

Luiz Yanez, Moody Road, congratulated the Council on the wonderful new Town Hall facility. He strongly supported the renewable energy facet of the Town Hall and suggested that it had put "the Town on the map" for its conservation efforts.

11. PUBLIC HEARINGS

11.1 Approval of Appropriations for Citizens' Option for Public Safety Fund (COPS)

Administrative Services Director Sarah Ragsdale introduced this item to Council. Ragsdale explained that each year the Town received \$100,000 from the Citizen's Option for Public Safety (COPS) Fund. The funding has enabled the Town to hire a Public Safety Officer who was charged with both code enforcement and emergency preparedness duties. By California Law, the City Council was required to conduct a public hearing and appropriate COPS funding in September of each year in which the funding was available.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Councilmember O'Malley commented that Steven Garcia, the Town's Public Safety Officer, was a valuable asset to Town staff and community. He noted that he was responsible for numerous code enforcement and emergency preparedness issues. Council concurred and offered kudos to Garcia for his services to the Town.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Warshawsky and passed unanimously to adopt Resolution No. 85-05 approving the appropriations for the Citizens' Option for Public Safety for the fiscal year 2005-2006.

12. ADJOURNMENT

There being no further business, the meeting was adjourned by Consensus of the City Council at 8:10 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The City Council meeting minutes were approved as presented at the September 15, 2005 Regular City Council Meeting.